

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

ERIC JONES,)	
)	
Plaintiff,)	
)	
v.)	No. 3:21-cv-00224-HEH
)	
EQUITY EXPERTS, LLC,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT

Plaintiff, ERIC JONES (“Plaintiff”), through his attorneys, alleges the following against Defendant, EQUITY EXPERTS, LLC. (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 15 U.S.C. § 1692k.
3. Jurisdiction of this Court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Venue and personal jurisdiction in this District are proper because Defendant does or transacts business within this District, and a material portion of the events at issue occurred in this District.

PARTIES

5. Plaintiff is a natural person residing in Richmond, Virginia.

6. Plaintiff is a consumer as that term is defined by the FDCPA.
7. Plaintiff allegedly owes a debt as that term is defined by the FDCPA.
8. Defendant is a debt collector as that term is defined by the FDCPA.
9. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.
10. Defendant is a collection agency located in Auburn Hills, Michigan.
11. Defendant's business includes, but is not limited to, collecting on unpaid, outstanding account balances.
12. When an unpaid, outstanding account is placed with Defendant it is assigned an account number.
13. The principal purpose of Defendant's business is the collection of debts allegedly owed to third parties.
14. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.
15. During the course of its attempts to collect debts allegedly owed to third parties, Defendant sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or electronic mail, and initiates contact with alleged debtors via various means of telecommunication, such as by telephone and facsimile.
16. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

17. Defendant is attempting to collect a consumer debt from Plaintiff, allegedly arising from HOA fees.
18. The alleged debt at issue arises from transactions for personal, family, and household purposes.

19. The HOA fees are associated with a property located at 6733 Fox Downs Dr., Richmond, Virginia, 23231.
20. Plaintiff has not occupied the above-referenced property since 2007.
21. Plaintiff is not on a deed associated with the above-mentioned property.
22. Plaintiff does not owe the alleged debt.
23. Within the past year of Plaintiff filing this Complaint, Defendant began placing collection calls to Plaintiff's telephone number at xxx-xxx-3925, in an attempt to collect the alleged debt.
24. Defendant calls Plaintiff from 855-321-3973, which is one of Defendant's telephone numbers.
25. On or about December 30, 2020, Defendant called Plaintiff's phone. Plaintiff did not answer.
26. On or about January 18, 2021, Plaintiff answered a call placed by one of Defendant's female collectors.
27. During the above-referenced conversation:
 - a. Plaintiff explained that he not lived on the property since 2007;
 - b. Plaintiff explained that the debt did not belong to him; and
 - c. Defendant's collectors promised to remove Plaintiff from its calling list.
28. On or about January 22, 2021, one of Defendant's male representatives called Plaintiff.
29. Plaintiff answered the above-referenced call and requested that Defendant stop calling Plaintiff.
30. On or about January 28, 2021, Defendant again called Plaintiff. Plaintiff did not answer.
31. On or about January 28, 2021, Defendant called Plaintiff's father at xxx-xxx-0795 and left

the following voicemail message: “Hi, this is a very important message [inaudible 00:00:11]. Today's date is Thursday, January 28th. Please call me back at 855-344-3973, thank you.”

32. On at least one occasion since Defendant began calling Plaintiff, Plaintiff has spoken with one of Defendant’s collectors and requested for Defendant to stop calling him.

33. Despite the foregoing, Defendant continued to place collection calls to Plaintiff’s telephone and even began leaving voicemail messages for Plaintiff’s father.

34. The natural consequences of Defendant’s statements and actions was to unjustly condemn and vilify Plaintiff for his non-payment of the alleged debt.

35. The natural consequences of Defendant’s statements and actions was to produce an unpleasant and/or hostile situation between Defendant and Plaintiff.

36. The natural consequences of Defendant’s statements and actions was to cause Plaintiff mental distress.

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

37. Defendant violated the FDCPA based on, but not limited to, the following:

- a. Defendant violated § 1692b of the FDCPA by communicating with any person other than the Plaintiff for the purpose of acquiring location information about the Plaintiff, when Defendant communicated with Plaintiff’s father even after having Plaintiff’s location information and being asked by Plaintiff to cease contact.
- b. Defendant violated § 1692d of the FDCPA by engaging in conduct that the natural consequence of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt, when Defendant continued to place collection calls to Plaintiff and Plaintiff’s father after Plaintiff requested for

Defendant to stop calling him and when Defendant continued to call Plaintiff in an attempt to collect a debt not owed by Plaintiff;

- c. Defendant violated § 1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number, when Defendant continued to call Plaintiff and Plaintiff's father after Plaintiff requested for Defendant to stop calling him;
- d. Defendant further violated § 1692e of the FDCPA by its use of any false, deceptive, or misleading representation or means in connection with the collection of any debt, when Defendant created the false impression on Plaintiff that Defendant was permitted to call Plaintiff with impunity despite Plaintiff not owing the alleged debt and when Defendant falsely promised to remove Plaintiff from its calling list yet continued to call Plaintiff; and
- e. Defendant violated § 1692f of the FDCPA by its use of unfair or unconscionable means to collect or attempt to collect any debt, when Defendant engaged in all of the foregoing misconduct.

38. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

39. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff for statutory damages and costs and attorney's fees.

WHEREFORE, Plaintiff, ERIC JONES, respectfully requests judgment be entered against Defendant, EQUITY EXPERTS, LLC for the following:

40. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k;
41. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k; and
42. Any other relief this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

April 05, 2021

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